

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICO DESHAWN HEAD, JR., :
Petitioner,
v.

**Crim. Case No. 2:19-cr-136
Civil Case No. 2:21-cv-5081**

**District Judge James L. Graham
Magistrate Judge Michael R. Merz**

UNITED STATES OF AMERICA,
Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (ECF No. 124), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that Petitioner's § 2255 motion (ECF No. 117) be **DENIED**. Petitioner is **DENIED** a certificate of appealability, and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous, and therefore Petitioner should not be permitted to proceed in forma pauperis.

Pursuant to Fed. R. Civ. P. 58, the Clerk shall enter judgment to this effect.

IT IS SO ORDERED.

/s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: February 17, 2022